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ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDRESITA BOYLE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ARROW FINANCIAL SERVICES LLC;
NELSON, WATSON & ASSOCIATES, LLC;
RONALD LAVIN, an individual,

Defendants. /

Case No.:

CV 08
CLASS ACTION

3381

**COMPLAINT TO RECOVER DAMAGES
FOR UNLAWFUL DEBT COLLECTION
PRACTICES**

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This action is brought as a class action by Plaintiff ANDRESITA BOYLE ("Ms. Boyle") on behalf of herself and all others similarly situated, for statutory damages, attorney's fees and costs, for Defendants' violation of the anti-deception provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), and the California Rosenthal Act, Cal. Civ. Code § 1788 et seq. ("CA FDCPA").

The anti-deception provisions of the FDCPA are broadly stated at 15 U.S.C. § 1692e, which says:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.

Sixteen subsections of 15 U.S.C. § 1692e proscribe specific types of deceptive conduct.

The standard for evaluating deceptive language by a debt collector is that of the least

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sophisticated debtor, not whether it would deceive or mislead a reasonable debtor; *Swanson v. Southern Oregon Credit Services*, 869 F.2d 1222, 1227 (9th Cir. 1988).

Though only one act is required to establish liability, in this lawsuit, Plaintiff challenges three collection practices of Defendant:

- 1) falsely threatening a lawsuit,
- 2) falsely representing a legal requirement to make a negative credit report, and
- 3) falsely describing the debtor as a customer of the Defendant.

All of these acts are also deceptive and misleading.

The allegations that follow address the facts and law showing Defendants' unlawful practice "and procedure" violative of federal and California law.

II. JURISDICTION AND VENUE

2. This court has jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d), and 28 U.S.C. §1331. Supplemental jurisdiction exists over the state law claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this district as all relevant events took place here.

III. PARTIES

4. Plaintiff, Andresita Boyle is an individual who resides at 2500 21st Street, San Pablo, CA. Ms. Boyle is a "consumer" as defined by 15 U.S.C. § 1692a(3) and Cal. Civ. Code § 1788.2(e).

5. Defendant Arrow Financial Services LLC ("Arrow") is in the business of purchasing for collection thousands of past due consumer debts at drastically discounted rates. It is a debt collector as defined by 15 U.S.C. § 1692e(6) and Cal. Civ. Code § 1788(c) and (g), and its practices are subject to the FDCPA and the CA FDCPA.

6. Defendant Arrow's principal office is located at 5996 W. Touhy Avenue, Niles, IL 60646. Service of this lawsuit is made on an officer at Arrow's principal office.

7. Defendant Ronald Lavin ("Lavin") leads Arrow's collection staff. On Arrow's website, Lavin is described as "executive vice president and chief operating officer [who] leads

1 the company's collection staff of over 1,300 employees. He establishes the collection strategy of
2 the Defendant Arrow. Defendant Lavin is a debt collector as defined by federal law at 15 U.S.C.
3 § 1692a(6), and his conduct is subject to the FDCPA and the CA FDCPA. Defendant Lavin is
4 subject to service of process at Defendant Arrow's principal office.

5 8. Defendant Lavin directs and controls the collection strategy of the Defendant
6 Arrow.

7 9. Defendant Nelson, Watson & Associates, LLC ("Nelson") is a debt collection
8 company as defined by 15 U.S.C. § 1692a(6) and Cal. Civ. Code § 1788.2(c) and (g). Its practice
9 and procedure is subject to the FDCPA and the CA FDCPA.

10 10. Nelson's principal office is located at 80 Merrimack Street Lower Level,
11 Haverhill, MA 01830. Service of this lawsuit is made on an officer of Nelson at Nelson's
12 principal office.

13 11. Hereafter, unless otherwise stated, Defendants Arrow and Lavin are referred to as
14 a single entity, i.e., "Defendant." Allegations against Arrow, Lavin, and Nelson are referred to
15 as two entities, i.e., "Defendants."

16 **IV. FACTUAL ALLEGATIONS**

17 12. Some time ago, Plaintiff was issued a credit card account by Providian National
18 Bank. The last four digits of the account were 6668.

19 13. Plaintiff used the account to purchase on credit goods and services for Plaintiff's
20 personal and household needs.

21 14. Plaintiff's account, at a time unknown to her, was acquired by Washington Mutual
22 Bank when Washington Mutual Bank bought Providian National Bank.

23 15. Plaintiff was unable to pay her account on a regular basis, because of financial
24 setbacks.

25 16. Plaintiff received notice from Washington Mutual that it intended to make a
26 negative credit report because of her failure to pay the debt.

27 17. The negative credit report was required to be made by Washington Mutual

1 pursuant to Cal. Civ. Code § 1785.26 and 15 U.S.C. § 1681s-2(a)(A)(i) and (ii). Both statutes do
2 not require subsequent notice of a negative credit report to the consumer.

3 18. Between December 19, 2007 and March 24, 2008, Plaintiff received three letters
4 from Defendant Arrow. Plaintiff alleges, on information, that all the letters were approved,
5 authorized, and allowed by Defendant Lavin.

6 19. The first collection letter sent by Defendant Arrow was dated December 19, 2007.
7 The letter was printed on two sides. A copy of the first page of the letter is attached as Exhibit A,
8 and a copy of the reverse side is attached as Exhibit B.

9 20. Defendant's letter, at the first paragraph of Exhibit A, makes the false, deceptive,
10 and misleading statement describing Plaintiff as "our new customer." This euphemism applied
11 to Plaintiff contradicts the statement that Defendant is a debt collector and that Plaintiff is a
12 debtor, not a customer, i.e., someone buying goods on a regular basis.

13 21. Further, the letter, on the reverse side, Exhibit B, states, *inter alia*:

14 **As required by law, you are hereby notified that a negative**
15 **credit report reflecting on your credit record may be submitted**
16 **to a credit reporting agency if you fail to fulfill the terms of**
17 **your credit obligations.**

18 22. Said statement is false, deceptive, and misleading, in violation of 15 U.S.C. §
19 1692e, as notice after that having been given by Washington Mutual is not required.

20 23. Said statement was a false, deceptive, and misleading means to collect a debt
21 concerning a consumer in violation of 15 U.S.C. § 1692e(10), used to pressure Plaintiff into
22 paying the debt.

23 24. Defendant's second letter to Plaintiff, dated February 18, 2008, Exhibit C, made
24 the threat:

25 **... Unless this matter is resolved by March 24, 2008, we will**
26 **refer your account for collection to an attorney who is licensed**
27 **to practice law in your state.**

28 25. Defendant's statement was false, deceptive and misleading, in violation of 15
U.S.C. §§ 1692e, e(5), and e(10), and was a false and deceptive means to collect a debt., as

1 Defendant had no intention of making such a referral, should payment not be received by March
2 24, 2008. See *Brown v. Card Service Center*, 464 F.3d 450, 455 (6th Cir. 2006).

3 26. The reverse side of the letter, Exhibit D, made the same false statement regarding
4 the negative credit report as was stated in Defendant's first letter:

5 **As required by law, you are hereby notified that a negative**
6 **credit report reflecting on your credit record may be submitted**
7 **to a credit reporting agency if you fail to fulfill the terms of**
8 **your credit obligations.**

9 27. Defendant then sent Plaintiff a third collection letter dated February 29, 2005,
10 printed on both sides, attached as Exhibits E and F, with Exhibit E repeating the threat of referral
11 to an attorney:

12 **We have tried to contact you several times regarding the**
13 **above-referenced account, but have not been able to arrive at**
14 **an acceptable resolution. Unless this matter is resolved by**
15 **March 24, 2008, we will refer your account for collection to an**
16 **attorney who is licensed to practice law in your state.**

17 The Defendants' conduct in making this threat is in violation of 15 U.S.C. §§ 1692e, e(5), and
18 e(10).

19 28. Exhibit F continues the same false, deceptive, and misleading negative credit
20 report threat that is stated in Exhibit D, under the heading, "Notice to California Residents."

21 **As required by law, you are hereby notified that a negative**
22 **credit report reflecting on your credit record may be submitted**
23 **to a credit reporting agency if you fail to fulfill the terms of**
24 **your credit obligations.**

25 29. March 24, 2008, came and went, and rather than sending the account to an
26 attorney "licensed to practice law in your state," Defendant assigned the account to Defendant
27 Nelson, a debt collector and not an attorney, who sent its initial collection letter to Plaintiff on
28 June 4, 2008, a true and correct copy of which is attached hereto as Exhibit G.

30. Defendant Nelson makes the same unlawful negative credit report threat as was
made by Defendant Arrow, i.e.:

///

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

31. Plaintiff alleges Exhibits A through G are printed form letters regularly used by Defendants Arrow and Nelson to solicit payments.

32. Plaintiff alleges that Exhibits A through G were sent to more than 40 California Consumers.

33. At all times pertinent hereto, the conduct of Defendants, as well as that of their agents, servants and/or employees, was in disregard of federal and state law and the rights of the Plaintiff herein.

V. FIRST CLAIM FOR RELIEF
(Violation of the FDCPA)

34. Defendants Arrow and Lavin violated the FDCPA. Defendants' violations include, but are not limited to, violation of 15 U.S.C. §§ 1692e, 1692e(5), and 1692e(10), as follows:

A. 1692e: Defendant uses false, deceptive, and misleading representations in misrepresenting the legal requirement to make a negative credit report after one has already been made by Washington Mutual.

B. 1692e(5): Defendant makes a threat to take an action that cannot legally be taken or that is not intended to be taken in making a false threat to refer the collection of the claim to a collection attorney.

C. 1692e(10): Defendant uses false representation or deceptive means to collect or attempt to collect a debt, in stating that the settlement amount must be received by March 24, 2008 to avoid the referral of the account to the attorney.

D. Defendant uses false, deceptive and misleading representations in describing the Plaintiff as a customer, as more particularly set forth above in Paragraph 20.

35. Defendant Nelson violated 15 U.S.C. §§ 1692e and e(10), as follows:

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1 A. 1692e: Nelson uses false, deceptive, and misleading representations in
2 stating it is required by law to submit a negative credit report to a credit reporting agency
3 “if you fail to fulfill the terms of your credit obligations.”

4 B. 1692e(10): Nelson, in stating the negative report is required by law, is
5 using a false representation in an attempt to collect the debt.

6 **VI. SECOND CLAIM FOR RELIEF**
7 **(Violation of the CA FDCPA)**

8 36. Plaintiff incorporates by reference each and every paragraph alleged above.

9 37. Defendants’ conduct, as hereinabove alleged, also violated the CA FDCPA,
10 pursuant to Cal. Civ. Code § 1788.17.

11 **VII. CLASS ALLEGATIONS**

12 38. This action is brought as a class action. Plaintiff defines the class as (i) all
13 persons with addresses within the state of California (ii) who received Exhibits A through G
14 from Defendants as described herein (iii) to recover a debt incurred for personal, family,
15 or household purposes (iv) during the period of time one year prior to the filing of this Complaint
16 through the date of class certification.

17 39. Plaintiff describes as a sub-class (i) all persons within the state of California (ii)
18 who received from Defendants any one of the collection letters described as Exhibits A through
19 G (iii) to recover a debt incurred for personal, family, or household purposes (iv) during the
20 period of time one year prior to the filing of this Complaint through the date of class certification.

21 40. The class is so numerous that joinder of all members is impractical.

22 41. There are questions of law and fact common to the class, which predominate over
23 any questions affecting only individual class members. The principal issue is whether Defendant
24 violated the FDCPA and the CA FDCPA, as alleged in Plaintiff’s First and Second Causes of
25 Action herein.

26 42. There are no individual questions, other than whether a class member received the
27 collection letters attached as Exhibits A through G, which can be determined by ministerial

1 inspection of Defendant's records.

2 43. Plaintiff will fairly and adequately protect the interests of the class.

3 44. Plaintiff has retained counsel experienced in handling class claims and claims
4 involving unlawful collection practices.

5 45. The questions of law and fact common to the class predominate over any issues
6 involving only individual class members. The principal issue is whether Defendant's collection
7 letters, Exhibits A through G, as described herein, violate the FDCPA and CA FDCPA, as
8 alleged above.

9 46. Plaintiff's claims are typical of the claims of the class, which all arise from the
10 same operative acts and are based on the same legal theories.

11 47. A class action is a superior method for the fair and efficient adjudication of this
12 controversy. Class-wide damages are essential to induce Defendant to comply with Federal and
13 state law. The interest of class members in individually controlling the prosecution of separate
14 claims against Defendant is small because the maximum statutory damages in an individual
15 FDCPA and CA FDCPA action is \$2,000.00. Management of these class claims are likely to
16 present significantly fewer difficulties than those presented in many class actions, e.g., for
17 securities fraud.

18 48. As a result of Defendant's violations of the FDCPA and CA FDCPA, Plaintiff and
19 the class are entitled to an award of statutory damages, costs and reasonable attorney's fees.

20 **VIII. REQUEST FOR RELIEF**

21 WHEREFORE, Plaintiff Andresita Boyle, on behalf of herself and all others similarly
22 situated, requests that judgment be entered in her favor and in favor of the class against
23 Defendants, Arrow, Nelson, and Lavin, individually, for:

24 A. Certification of this matter as a class action;

25 B. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2) and Cal. Civ. Code §
26 1788.17;

27 C. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal.
28 COMPLAINT TO RECOVER DAMAGES FOR UNLAWFUL DEBT COLLECTION PRACTICES

BOYLE V. ARROW FINANCIAL SERVICES
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1 Civ. Code § 1788.17; and

2 D. For such other relief as the Court may find to be just and proper.

3 **IX. JURY DEMAND**

4 Plaintiff Andresita Boyle hereby demands that this case be tried before a jury.

5
6 Dated: 7.02.08



Irving L. Berg

7 THE BERG LAW GROUP

8 ATTORNEYS FOR PLAINTIFF
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EXHIBIT A

Please send all correspondence
5996 W Touhy Ave, Niles, IL 60714
Pay online at www.arrowcustomer.com

**OFFICE HOURS: Central Time**

Monday thru Thursday: 8:00am - 9:00pm
Friday: 8:00am - 5:30pm
Saturday: 8:00am - Noon

December 19, 2007

38491766-2015
Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

Phone Number: 866-441-4076 Ext. 3758

ID NUMBER: 38491766
Re: WASHINGTON MUTUAL BANK
Account #: 5542850400656668
Total Current Balance: \$1903.34

PAST DUE BALANCE

Dear Andresita Boyle:

ARROW FINANCIAL SERVICES purchased your WASHINGTON MUTUAL BANK account with WASHINGTON MUTUAL BANK charges. As the new owner of your account we would like to give you another chance to resolve your outstanding balance. Our company prides itself in working with our new customers to provide solutions to help you take a step towards resolving this matter.

Please take this opportunity to contact your account representative at our toll free number 866-441-4076. We look forward to working with you.

Unless you notify us within 30 days after receiving this letter that you dispute the validity of the debt or any portion thereof, we will assume the debt is valid. If you notify us in writing 30 days after receiving this notice that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such verification or judgment. Also, upon your written request within 30 days, we will provide you with the name and address of the original creditor if different from the current creditor.

Important notice required by law: This agency is engaged in the collection of debts. This communication is an attempt to collect a debt and any information obtained will be used for that purpose.

Sincerely,

EUCHIQUITA BANGS

EUCHIQUITA BANGS
Account Representative

IONAROW012015

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION
X PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU! X

Please see reverse side if you would like to pay by credit card



ONAROW01
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

ID NUMBER: 38491766
Re: WASHINGTON MUTUAL BANK
Account #: 5542850400656668
Total Current Balance: \$1903.34

☐ Please check here if there is a new phone # or address change and enter information on reverse side.

#BWNHRMD 0131643 0049870
#1219 1351 0049 8707# 38491766-2015



Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

401 EBN
Arrow Financial Services LLC
21031 Network Place
Chicago IL 60678-1031



0038491766 5542850400656668 2015 0000190334 8

EXHIBIT B

Privacy Notice

Your privacy is important to Arrow. The following Privacy Notice applies to current and former individual customers. We collect and use nonpublic personal information ("information") about you to conduct and manage our business.

Sources of this information include the following:

- Information we receive from your original creditor and from applications submitted by you to the original creditor;
- Information we receive from you through correspondence or communication with us, whether by mail, telephone, or the Internet, and which may include your name, address, Social Security Number, assets, income, or other information you provide;
- Information about your transactions with us, our affiliates, or others, such as your account balance and payment history;
- Information we receive from third parties, such as consumer reporting agencies.

We only disclose information to affiliated and non-affiliated third parties as permitted or required by the federal Fair Debt Collection Practices Act ("FDCPA"). We may share information we collect with third parties that provide mailing and/or other collection-related services to us. When we share your information with these companies, they are required to limit their use of your information to the particular purpose for which it was shared and they are not allowed to share it with others except to fulfill that limited purpose. In addition, if permitted by FDCPA, we may also share your information with our affiliates and non-affiliated third parties if also permitted by applicable law.

We restrict access to nonpublic personal information about you to those employees who need to know that information to service your account or manage our business. We maintain physical, electronic, and procedural security measures to protect your information. You may have other privacy protections under state laws. The effective date of this notice is February 1, 2005. It replaces all prior privacy policies issued by Arrow Financial Services LLC or any other Arrow company. We reserve the right to amend this privacy notice at any time and we will inform you of any changes to this notice as required by law.

This notice is made on behalf of Arrow Financial Services LLC and all companies, trusts or other special purpose entities established by any Arrow company.

Notice To California Residents:

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations. The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

To authorize a payment through a third-party payment service using your credit card, please fill out the following and return in the enclosed envelope. Pay online at www.arrowcustomer.com.

Check One: ☐ Visa ☐ MasterCard ☐ Discover ☐ American Express

For security purposes, please provide the 3-digit or 4-digit CVV (Customer Verification Value); if you are using an American Express card the 4-digit CVV can be found on the front-right section of your card above the account number. If you are using a Discover, Visa or MasterCard the 3-digit CVV can be found after the account number on the back side of your card.

Card Number

CVV#

Payment Amount

Expiration Date

Card Holder Name

Signature of Card Holder

Date

Address

City, State, Zip

Daytime Phone:

Evening Phone:

Make changes to your address and phone number below.

Name

Address

City

State

Zip Code

Daytime Phone

Evening Phone

EXHIBIT C

Please send all correspondence to:
5996 W Touhy Ave, Niles, IL 60714
Pay online at www.arrowcustomer.com

**OFFICE HOURS: Central Time**

Monday thru Thursday: 8:00am - 9:00pm
Friday: 8:00am - 5:30pm
Saturday: 8:00am - Noon

February 18, 2008

38491766-2804
Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

Phone Number: 888-334-3968 Ext. 3041

ID Number: 38491766
RE: WASHINGTON MUTUAL BANK
Original Creditor Account #: 5542850400656668
Total Current Balance: \$2133.54

Dear Andresita Boyle:

We have tried to contact you several times regarding the above-reference account, but have not been able to arrive at an acceptable resolution. Unless this matter is resolved by March 24 2008, we will refer your account for collection to an attorney who is licensed to practice law in your state. Currently, no decision has been made to file a lawsuit against you.

Please contact us as soon as possible to resolve this matter at 888-334-3968 ext. 3041.

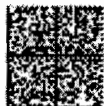
THIS AGENCY IS ENGAGED IN THE COLLECTION OF DEBTS. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Sincerely,

Arrow Financial Services LLC

79ONAROW012804

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.
X PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU! X



ONAROW01
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please see reverse side if you would like to pay by credit card

ID Number: 38491766
RE: WASHINGTON MUTUAL BANK
Original Creditor Account #: 5542850400656668
Total Current Balance: \$2133.54

☐ Please check here if there is a new phone # or address change and enter information on reverse side

#BWNHRMD 0232349 0063062
#0218 1150 0063 0628# 38491766-2804



Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

ARROW FINANCIAL SERVICES LLC
21031 Network Place
Chicago IL 60678-1031



0038491766 5542850400656668 2804 0000000000 9

EXHIBIT D

Your privacy is important to Arrow. The following Privacy Notice applies to current and former individual customers. We collect and use nonpublic personal information ("information") about you to conduct and manage our business.

Sources of this information include the following:

- Information we receive from your original creditor and from applications submitted by you to the original creditor;
- Information we receive from you through correspondence or communication with us, whether by mail, telephone, or the Internet, and which may include your name, address, Social Security Number, assets, income, or other information you provide;
- Information about your transactions with us, our affiliates, or others, such as your account balance and payment history;
- Information we receive from third parties, such as consumer reporting agencies.

We only disclose information to affiliated and non-affiliated third parties as permitted or required by the federal Fair Debt Collection Practices Act ("FDCPA"). We may share information we collect with third parties that provide mailing and/or other collection-related services to us. When we share your information with these companies, they are required to limit their use of your information to the particular purpose for which it was shared and they are not allowed to share it with others except to fulfill that limited purpose. In addition, if permitted by FDCPA, we may also share your information with our affiliates and non-affiliated third parties if also permitted by applicable law.

We restrict access to nonpublic personal information about you to those employees who need to know that information to service your account or manage our business. We maintain physical, electronic, and procedural security measures to protect your information. You may have other privacy protections under state laws. The effective date of this notice is February 1, 2005. It replaces all prior privacy policies issued by Arrow Financial Services LLC or any other Arrow company. We reserve the right to amend this privacy notice at any time and we will inform you of any changes to this notice as required by law.

This notice is made on behalf of Arrow Financial Services LLC and all companies, trusts or other special purpose entities established by any Arrow company.

Notice To California Residents:

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations. The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

To authorize a payment through a third-party payment service using your credit card, please fill out the following and return in the enclosed envelope. Pay online at www.arrowcustomer.com.

Check One: ☐ Visa ☐ MasterCard ☐ Discover ☐ American Express

For security purposes, please provide the 3-digit or 4-digit CVV (Customer Verification Value); if you are using an American Express card the 4-digit CVV can be found on the front-right section of your card above the account number. If you are using a Discover, Visa or MasterCard the 3-digit CVV can be found after the account number on the back side of your card.

Card Number

CVV#

Payment Amount Expiration Date

Card Holder Name Signature of Card Holder Date

Address City, State, Zip

Daytime Phone: Evening Phone:

Make changes to your address and phone number below.

Name

Address

City State Zip Code

Daytime Phone Evening Phone

EXHIBIT E

Please send all correspondence to
5996 W Touhy Ave, Niles, IL 60714
Pay online at www.arrowcustomer.com

**OFFICE HOURS: Central Time**

Monday thru Thursday: 8:00am - 9:00pm
Friday: 8:00am - 5:30pm
Saturday: 8:00am - Noon

February 29, 2008

38491766-2806
Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

Phone Number: 866-441-4076 Ext. 2331

ID Number: 38491766
Re: WASHINGTON MUTUAL BANK
Original Creditor Account #: 5542850400656668
Total Current Balance: \$2133.54

Dear Andresita Boyle,

We have tried to contact you several times regarding the above-referenced account, but have not been able to arrive at an acceptable resolution. Unless this matter is resolved by March 24 2008, we will refer your account for collection to an attorney who is licensed to practice law in your state. Currently, no decision has been made to file a lawsuit against you.

Before we refer your account to our attorneys, we would like to make another effort to settle this matter. Thus, we would like to settle your debt for only 85% of your Total Current Balance listed above.

***** Settlement Amount: \$1813.51 *** You Save \$320.03**

To accept this offer, simply make sure that we receive the entire Settlement Amount on or before March 24 2008. If we receive the Settlement Amount on or before March 24 2008, and if your funds clear, we will consider your account to be SETTLED IN FULL and will stop all further collection efforts. If we do not receive the Settlement Amount from you on or before March 24 2008, or if your settlement funds fail to clear, we will refer your account to an attorney for further collection activity.

This settlement offer expires on March 24 2008. However, under appropriate circumstances, we may be willing to delay referring your account to an attorney or the expiration date of this settlement offer. Likewise, under appropriate circumstances, we may be willing to settle this account for less than the Settlement Amount listed above. Please contact us to discuss these options.

Should you have any questions please feel free to contact us at 866-441-4076 ext. 2331.

THIS AGENCY IS ENGAGED IN THE COLLECTION OF DEBTS. THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Sincerely,

Arrow Financial Services LLC

VONAROW012805

PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION
✕ PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU! ✕



ONAROW01
PO Box 1022
Wixom MI 48393-1022
ADDRESS SERVICE REQUESTED

Please see reverse side if you would like to pay by credit card

ID Number: 38491766
Re: WASHINGTON MUTUAL BANK
Original Creditor Account #: 5542850400656668
Total Current Balance: \$2133.54

☐ Please check here if there is a new phone # or address change and enter information on reverse side

#BWNHRMD 0146593 0063223
#0229 1122 0063 2238# 38491766-2806



Andresita Boyle
2500 21st St
San Pablo CA 94806-2924

ARROW FINANCIAL SERVICES LLC
21031 Network Place
Chicago IL 60678-1031



0038491766 5542850400656668 2806 0000213354 9

EXHIBIT F

Privacy Notice

Your privacy is important to Arrow. The following Privacy Notice applies to current and former individual customers. We collect and use nonpublic personal information ("information") about you to conduct and manage our business.

Sources of this information include the following:

- Information we receive from your original creditor and from applications submitted by you to the original creditor;
- Information we receive from you through correspondence or communication with us, whether by mail, telephone, or the Internet, and which may include your name, address, Social Security Number, assets, income, or other information you provide;
- Information about your transactions with us, our affiliates, or others, such as your account balance and payment history;
- Information we receive from third parties, such as consumer reporting agencies.

We only disclose information to affiliated and non-affiliated third parties as permitted or required by the federal Fair Debt Collection Practices Act ("FDCPA"). We may share information we collect with third parties that provide mailing and/or other collection-related services to us. When we share your information with these companies, they are required to limit their use of your information to the particular purpose for which it was shared and they are not allowed to share it with others except to fulfill that limited purpose. In addition, if permitted by FDCPA, we may also share your information with our affiliates and non-affiliated third parties if also permitted by applicable law.

We restrict access to nonpublic personal information about you to those employees who need to know that information to service your account or manage our business. We maintain physical, electronic, and procedural security measures to protect your information. You may have other privacy protections under state laws. The effective date of this notice is February 1, 2005. It replaces all prior privacy policies issued by Arrow Financial Services LLC or any other Arrow company. We reserve the right to amend this privacy notice at any time and we will inform you of any changes to this notice as required by law.

This notice is made on behalf of Arrow Financial Services LLC and all companies, trusts or other special purpose entities established by any Arrow company.

Notice To California Residents:

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit-reporting agency if you fail to fulfill the terms of your credit obligations. The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

To authorize a payment through a third-party payment service using your credit card, please fill out the following and return in the enclosed envelope. Pay online at www.arrowcustomer.com.

Check One: ☐ Visa ☐ MasterCard ☐ Discover ☐ American Express

For security purposes, please provide the 3-digit or 4-digit CVV (Customer Verification Value); if you are using an American Express card the 4-digit CVV can be found on the front-right section of your card above the account number. If you are using a Discover, Visa or MasterCard the 3-digit CVV can be found after the account number on the back side of your card.

Card Number

CVV#

Payment Amount Expiration Date

Card Holder Name Signature of Card Holder Date

Address City, State, Zip

Daytime Phone: Evening Phone:

Make changes to your address and phone number below.

Name

Address

City State Zip Code

Daytime Phone Evening Phone

EXHIBIT G



PO Box 1299
Haverhill MA 01831
RETURN SERVICE REQUESTED

Nelson, Watson & Associates, LLC

80 Merrimack Street Lower Level
Haverhill, MA 01830
Phone: 888-269-8851 • Fax: (978) 469-9046

June 4, 2008

TARW157602 - A1110 - 001517

Andresita Boyle
2500 21st St
San Pablo CA 94806-2924



Current Creditor:

ARROW FINANCIAL SERVICES LLC

Acct #: 5542850400656668

Balance Due: \$2244.48

Nelson, Watson & Associates, LLC

PO Box 1299
Haverhill MA 01831-1799



*** Detach Upper Portion and Return with Payment ***

Acct No.: 5542850400656668

Current Creditor: ARROW FINANCIAL SERVICES LLC

Original Creditor: WASHINGTON MUTUAL BANK

Principal: \$1874.68
Interest: \$369.80
Total Balance: \$2244.48

NWAA2111TY8FB38C60

The above referenced account has been placed with this office for collection. Remittance of the payment in full is hereby requested.

For your security, please make all payments payable to Nelson, Watson & Associates, LLC.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Please call Monday through Thursday 8am to 9pm EST, Friday 8am to 5pm EST, or Saturday 9am to 1pm EST.

This communication is from a debt collector. This is an attempt to collect a debt. All information obtained will be used for that purpose.

Sincerely,

Consumer Services Department

IF YOU WISH TO PAY BY VISA OR MASTERCARD, (CIRCLE ONE) FILL IN THE INFORMATION
BELOW AND RETURN THE ENTIRE LETTER TO US IN THE ENCLOSED ENVELOPE.



\$

/

Account Number

Payment Amount

Expire Date

Card Holder Name

Signature of Card Holder

JS 44 - No. CALIF (Rev. 4/87)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO)

I.(a) PLAINTIFFS

ANDRESITA BOYLE, an individual

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Francisco

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Irving L. Berg
145 Town Center, PMB. 493
Corte Madera, CA 94925 (415) 924-0742

DEFENDANTS

ARROW FINANCIAL SERVICES LLC; NELSON,
WATSON & ASSOCIATES, LLC; RONALD
LAVIN, an individual

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(For diversity cases only)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 196 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth In Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 876 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 896 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 610 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 630 General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights <input type="checkbox"/> 655 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl.Rat. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Violation of the Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION

DEMAND \$ 500,000.00

☐ CHECK YES only if demanded in complaint:

UNDER F.R.C.P. 23

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE A "X" IN ONE BOX ONLY) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE

DATE

6-25-08

SIGNATURE OF ATTORNEY OF RECORD

Court Name: U.S. District Court, NDCA
Division: 3
Receipt Number: 34611021236
Cashier ID: sprinka
Transaction Date: 07/14/2008
Payer Name: IRVING L. BERG

CIVIL FILING FEE

For: andreita boyle
Case/Party: D-CAN-3-08-CV-003381-001
Amount: \$350.00

CHECK

Check/Money Order Num: 1013
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

pjh

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.